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PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/978,375
Filing Date	October 16, 2001
First Named Inventor	Avi J. Ashkenazi
Art Unit	1635
Examiner Name	Jon E. Angell
Attorney Docket Number	39780-2630 P1C24

Enclosed is a paper filed under 37 CFR 1.48(c) that requires a processing fee (37 CFR 1.17(i)).
Payment of $ 130.00 is enclosed.
This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For *transmittal of petition fees under 37 CFR 1. 17(f), (g) or (h), see form PTO/SB/17p.*

Payment Of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No.: 08-1641(39780-2630 P1C24):

☒ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of $ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee $130 Fee Code 1808 for all, Except for § 1.221 papers (Fee Code 1803)

For papers filed under:
§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1 .41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1 .63, except in provisional applications.
§ 1.48 -for correcting inventorship, except in provisional applications.
§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3) - to convert a provisional application filed under § 1 .53(c) into a nonprovisional application under § 1 .53(b).
§ 1.55 - for entry of late priority papers.
§ 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
§ 1 .99(e) - for processing a belated submission under § 1 .99.
§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1 .53(d)).
§ 1.103(c)- for requesting limited suspension of action, request for continued examination (§ 1.114).
§ 1.103(d) - for requesting deferred examination of an application.
§ 1 .21 7 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371 (c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature — July 24, 2006 (Date)

Barrie D. Greene (Typed or printed name) — 46,740 (Registration No., if applicable)

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2231 3-1 450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Angell, Jon E.
Avi J. ASHKENAZI, et al.	Art Unit: 1635
Application Serial No. 09/978,375	Confirmation No. 4717
Filed: October 16, 2001	Attorney's Docket No. 39780-2630 P1C24
For: **PRO363 POLYPEPTIDES**	**Customer No. 35489**

EXPRESS MAIL LABEL NO. EV 582 632 535 US
Date Mailed: JULY 24, 2006

AMENDMENT UNDER 37 C.F.R. §1.48(c)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, an amendment to correct inventorship was filed on November 1, 2005 and was entered. However, having reviewed the pending claims, Applicants have found that, as a result of changes made during prosecution, inventorship needs to be redetermined.

The names of two inventors that appeared in the original Declaration were canceled in the previous amendment filed November 1, 2005 to correct inventors, although these two inventors had contributed to the current invention. Accordingly, please **add** the names of the following two inventors who have made an inventive contribution to the currently claimed subject matter:

Ellen Filvaroff

Wei-Qiang Gao

Upon entering the present amendment, Luc Desnoyers, Ellen Filvaroff, Wei-Qiang Gao, Audrey Goddard, Paul J. Godowski, Austin Gurney, and William I. Wood are the named inventors in this case.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2630 P1C24).** Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: July 24, 2060

By:_____
Barrie D. Greene (Reg. No. 46,740)

HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Avi J. ASHKENAZI, et al.	)	Art Unit: 1635
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Filed: October 16, 2001	)	Attorney's Docket No. 39780-2630 P1C24
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**	)	**Customer No. 35489**

DECLARATION OF DR. LUC DESNOYERS, DR. ELLEN FILVAROFF, DR. WEI-QIANG GAO, DR. AUDREY GODDARD, DR. PAUL J. GODOWSKI, DR. AUSTIN GURNEY and DR. WILLIAM I. WOOD, UNDER 37 C.F.R. §1.131

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

We, Luc Desnoyers, Ph.D., Ellen Filvaroff, Ph.D., Wei-Qiang Gao, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application. We have read and understood the claims pending in this application, and are aware that the claims stand rejected as allegedly being unpatentable over Holtzman *et al.*, U.S. 2002/0055139, published May 9, 2002 with priority to May 14, 1999. Holtzman *et al.* teach a polypeptide (human A236 protein) that is 100% identical to SEQ ID NO:59.

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8. Exhibit B clearly shows that the polypeptide designated PRO363 was tested, and its ability to stimulate the proliferation of rat utricular supporting cells was determined prior to May 19, 1999. The column headed "mean" shows that addition of the PRO363 polypeptide to the rat utricular supporting cells resulted in an increase in proliferation of 37.1-51.9% as compared to control.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Luc Desnoyers, Ph.D.	05/25/2006 Date
Ellen Filvaroff, Ph.D.	Date
Wei-Qiang Gao, Ph.D.	Date
Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
Austin Gurney, Ph.D.	Date
William I. Wood, Ph.D.	Date

SV 2150758 v1
5/12/06 2:12 PM (39780.2630)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Angell, Jon E.
Avi J. ASHKENAZI, et al.	Art Unit: 1635
Application Serial No. 09/978,375	Confirmation No. 4717
Filed: October 16, 2001	Attorney's Docket No. 39780-2630 P1C24
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**	**Customer No. 35489**

DECLARATION OF DR. LUC DESNOYERS, DR. ELLEN FILVAROFF, DR. WEI-QIANG GAO, DR. AUDREY GODDARD, DR. PAUL J. GODOWSKI, DR. AUSTIN GURNEY and DR. WILLIAM I. WOOD, UNDER 37 C.F.R. §1.131

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Luc Desnoyers, Ph.D.	Date
Ellen Filvaroff	5/22/06
Ellen Filvaroff, Ph.D.	Date
Wei-Qiang Gao, Ph.D.	Date
Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
Austin Gurney, Ph.D.	Date
William I. Wood, Ph.D.	Date

SV 2150758 v1
5/12/06 2:12 PM (39780.2630)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Angell, Jon E.
Avi J. ASHKENAZI, et al.	Art Unit: 1635
Application Serial No. 09/978,375	Confirmation No. 4717
Filed: October 16, 2001	Attorney's Docket No. 39780-2630 P1C24
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MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Luc Desnoyers, Ph.D.	Date
Ellen Filvaroff, Ph.D.	Date
Wei-Qiang Gao, Ph.D.	Date 6/28/06
Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
Austin Gurney, Ph.D.	Date
William I. Wood, Ph.D.	Date

SV 2150758 v1
5/12/06 2:12 PM (39780.2630)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Angell, Jon E.
Avi J. ASHKENAZI, et al.	Art Unit: 1635
Application Serial No. 09/978,375	Confirmation No. 4717
Filed: October 16, 2001	Attorney's Docket No. 39780-2630 P1C24
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6. The assay is performed as follows. Rat UEC-4 utricular epithelial cells are aliquoted into 96 well plates with a density of 3000 cells/well in 200 ul of serum-containing medium at 33°C. The cells are cultured overnight and are then switched to serum-free medium at 37°C. Various dilutions of PRO polypeptides (or nothing for a control) are then added to the cultures and the cells are incubated for 24 hours. After the 24 hour incubation, 3H-thymidine (1 uCi/well) is added and the cells are then cultured for an additional 24 hours. The cultures are then washed to remove unincorporated radiolabel, the cells harvested and counts per minute (cpm) per well determined. Cpm of at least 30% or greater in the PRO polypeptide treated cultures as compared to the control cultures is considered a positive in the assay.

7. Copies of pages from an internal database showing the positive results for the PRO363 polypeptide (SEQ ID NO:59), identified by Pin number PIN665-1, in Assay #54 are attached to this declaration (with dates redacted) as **Exhibit B**. These experiments were performed and the results were obtained in the United States prior to May 19, 1999.

8. Exhibit B clearly shows that the polypeptide designated PRO363 was tested, and its ability to stimulate the proliferation of rat utricular supporting cells was determined prior to May 19, 1999. The column headed "mean" shows that addition of the PRO363 polypeptide to the rat utricular supporting cells resulted in an increase in proliferation of 37.1-51.9% as compared to control.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Luc Desnoyers, Ph.D.	Date
Ellen Filvaroff, Ph.D.	Date
Wei-Qiang Gao, Ph.D.	Date
Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	5/22/06 Date
Austin Gurney, Ph.D.	Date
William I. Wood, Ph.D.	Date

SV 2150758 v1
5/12/06 2:12 PM (39780.2630)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Angell, Jon E.
Avi J. ASHKENAZI, et al.	)	Art Unit: 1635
Application Serial No. 09/978,375	)	Confirmation No. 4717
Filed: October 16, 2001	)	Attorney's Docket No. 39780-2630 P1C24
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**	)	**Customer No. 35489**

DECLARATION OF DR. LUC DESNOYERS, DR. ELLEN FILVAROFF, DR. WEI-QIANG GAO, DR. AUDREY GODDARD, DR. PAUL J. GODOWSKI, DR. AUSTIN GURNEY and DR. WILLIAM I. WOOD, UNDER 37 C.F.R. §1.131

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

We, Luc Desnoyers, Ph.D., Ellen Filvaroff, Ph.D., Wei-Qiang Gao, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application. We have read and understood the claims pending in this application, and are aware that the claims stand rejected as allegedly being unpatentable over Holtzman *et al.*, U.S. 2002/0055139, published May 9, 2002 with priority to May 14, 1999. Holtzman *et al.* teach a polypeptide (human A236 protein) that is 100% identical to SEQ ID NO:59.

2. The polypeptide designated as PRO363 (SEQ ID NO:59), claimed in the above-identified application, was sequenced, cloned and identified as having homology to the cell surface protein HCAR in the United States prior to May 14,1999.

3. U.S. Provisional Application No. 60/078,910, filed on March 20, 1998, discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:3. The native sequence polypeptide of

SEQ ID NO:3 is identical to SEQ ID NO:59 of the above-identified application, while SEQ ID NO:1 is identical to SEQ ID NO:58 of the above-identified application. A copy of U.S. Provisional Application No. 60/078,910 is enclosed as **Exhibit A**.

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Wei-Qiang Gao, Ph.D.	Date
Audrey Goddard, Ph.D.	Date
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Filed: October 16, 2001	Attorney's Docket No. 39780-2630 P1C24
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